

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED
JUN 10 2014
Clerk, U.S. District Court
District Of Montana
Billings

TYLER ALLEN WILSON,

Petitioner,

vs.

ATTORNEY GENERAL OF THE
STATE OF MONTANA,

Respondent.

CV 14-50-BLG-SPW

ORDER

Petitioner Tyler Wilson brings this action pursuant to 28 U.S.C. § 2254. In his Petition, Wilson alleges that he is unconstitutionally being prohibited from going to treatment and held without bond. (Doc. 1 at 4). Wilson also requests that he either be arraigned on his pending federal charge or that the charge be dismissed. (*Id.* at 5). Wilson was later arraigned in U.S. District Court. *See U.S. v. Wilson*, CR 14-24-GF-BMM.

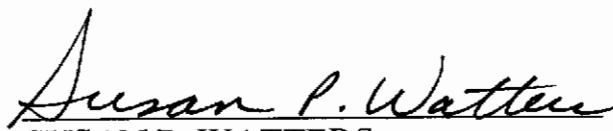
United States Magistrate Judge Carolyn Ostby entered Findings and Recommendations in this matter on May 16, 2014, in which she recommended that Wilson's Petition be dismissed. (Doc. 6). Specifically, Judge Ostby determined that Wilson needs to raise his issue in state court before he can petition a federal court.

Pursuant to 28 U.S.C. § 636(b)(1), written objections to Judge Ostby's Findings and Recommendations were due 14 days after service. No objections were filed. When neither party objects, this Court must still review Judge Ostby's conclusions for clear error. Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir.2000). After reviewing the Findings and Recommendations, this Court does not find that Judge Ostby committed clear error.

Accordingly, IT IS HEREBY ORDERED:

1. Wilson's Motion for Leave to Proceed *in forma pauperis* (Doc. 2) is DENIED as moot.
2. Judge Ostby's Findings and Recommendations (Doc. 6) are ADOPTED IN FULL.
3. Wilson's Petition (Doc. 1) is DISMISSED.
4. The Clerk of Court shall enter, by separate document, a judgment of dismissal.
5. A certificate of appealability is DENIED.

DATED this 10th day of June, 2014.


SUSAN P. WATTERS
United States District Judge